

# Restitution?

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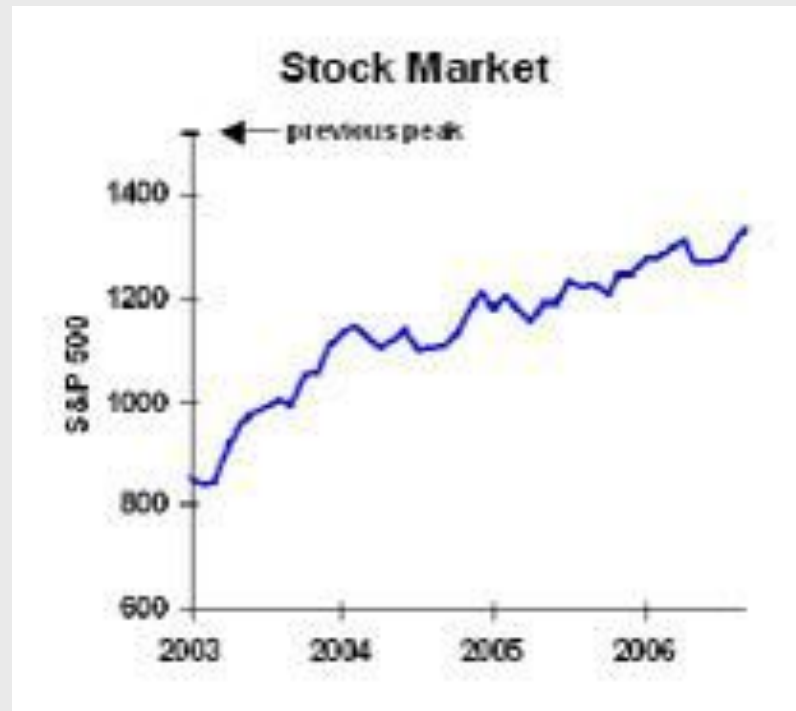
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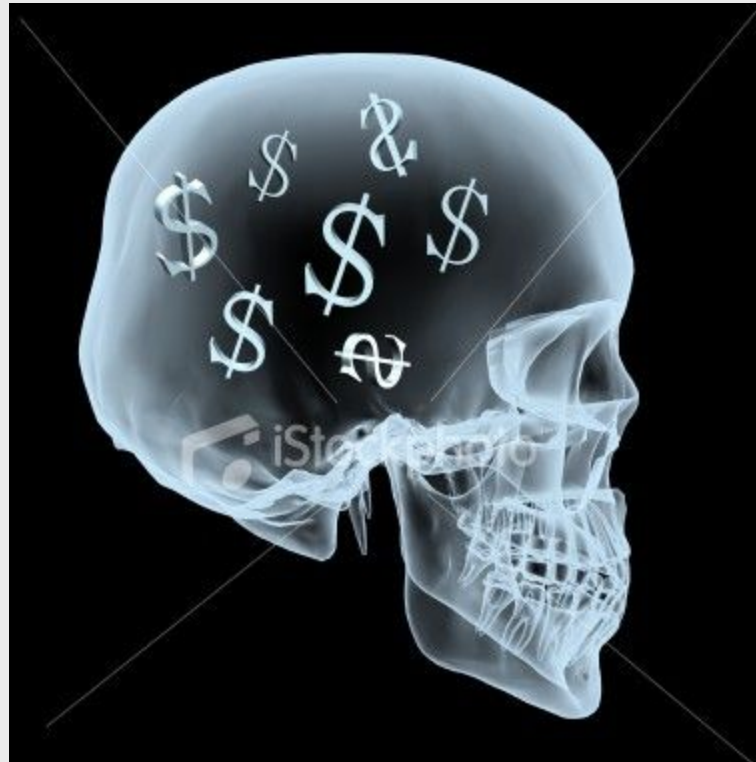
# Being a criminal is popular!



**If crime were a stock,  
I would recommend buying it!**



***Why would someone want to be a thief?***





**easy money !!!**



Can we recover money from defendants?



# Restitution!

**a debt owed to victim**

**making offenders accountable for losses**

**reimbursement for financial harm and costs**

**under-enforced victim right**

**significant factor in victim satisfaction with  
criminal justice system**

yes 😊

|

maybe 😐

|

sometimes 😞



yes ☺

MD Criminal Procedure Article, Section 11-603

(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:

(1) as **a direct result of the crime** or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;

(2) **victim suffered:**

- actual medical, dental, hospital, counseling, funeral, or burial expenses or losses
- direct out-of-pocket loss
- **loss of earnings**
- **expenses incurred with rehabilitation**

(b) A victim is presumed to have a right to restitution ... if:

- the victim or the State requests restitution; and
- the court is presented with competent evidence ...

(c) a judgment of restitution does not preclude a victim from a **civil action**  
a civil verdict (judgment) shall be entered

# maybe



reality check

## State must!

- request ... victim rights
- present “competent evidence” ... restitution hearings

## Actual Sentence Served?

- for non-violent offenses ... 1/4

## Violation of Probation?

- term? ... equal monthly payments, lack of supervision
- failure to pay is a technical violation ... 15 days for first offense

# sometimes



what should happen?

## **Failure**

no request, failure to communicate with victims pre and post conviction

## **Success**

Prosecutors have to keep in touch with victims and ask for regular hearings.

## **How about “Account Balance Statements”?**

A “perfect” program would have a monthly statement accessible by all of the parties involved (the probationer, defense attorney, prosecutor, and judge) which indicates the judgment of restitution, account balance with the appropriate line items of paid and unpaid costs, fees, fines and restitution.

Similar to a credit card statement, such transparency would eliminate the “surprise” by non-payments and the delay in scheduling violation of probation hearings.

